GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

Public Servants–Transport Department–Allegations of corruption and irregularities against the Officials of Transport Check Post, Penukonda, Anantapur District–Surprise Check conducted by ACB Officials on 18.01.2014– Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services(Classification, Control and Appeal) Rules, 1991 initiated against Sri N.R.Raveendranath Reddy, Transport Constable– Charges Framed-Written Statement of Defence and Further Representation Submitted-Further Action against Sri N.R.Raveendranath Reddy, dropped- Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 199 **Dated: 06-04-2016.**

Read the following:

1) From the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad, Letter Rc.No.10/DES-ATP/2014, Dated: 19.09.2014.
2) G.O.Rt.No.2, T,R&B(VIG.TR.)Deptt., Dated:01.01.2015.
3) From the Transport Commissioner, A.P., Hyderabad, Letter No.671/V2/ 2014, Dated:21.05.2015 along with the Written Statement of Defence Dated:19.03.2015 of Sri N.R.Raveendranath Reddy, Transport Constable.
4) Govt. Memo No.811/Vig.Tr./A2/2014-3, Dated:24.07.2015 of T,R&B(VIG.TR.)Deptt., and it's reminder thereon of even number Dated: 21.01.2016.
5) From the Transport Commissioner, A.P., Hyderabad, Letter No.671/V2/ 2014, Dated:18.01.2016 along with the Further Explanation Dated: 14.11.2015 of Sri N.R.Raveendranath Reddy, Transport Constable.

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ORDER:

In the reference first read above, the Director General, Anti Corruption Bureau has submitted his Detailed Check Report stated that on credible information that the staff of the Transport Department Check Post, Penukonda, Anantapur District were indulging in corrupt and clandestine practices by collecting illegal/unauthorized amounts from the Drivers/Cleaners of the Lorries passing through the Check Post through the Agents/Brokers on behalf of them, a Surprise Check was conducted by ACB Officials on the said Check Post on 18.01.2014, and during the Check, inter-alia it had revealed the following irregularities on the part of Sri N.R.Raveendranath Reddy, Transport Constable:

1 He failed to account for the unauthorized amount of Rs.555/- against the declared amount of Rs.500/- in Cash Declaration Register.

2 He failed to give explanation for the habitual collection of illegal amounts from the Drivers/Cleaners of the Lorries passing through the Check Post i.e for collection of unauthorized amount of Rs.33,350/- in his presence during the Surprise Check.

2. After careful examination of the proposals, Government have initiated Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 against Sri N.R. Raveendranath Reddy, Transport Constable, by framing Articles of Charges vide reference second read above.

3. Sri N.R.Raveendranath Reddy, Transport Constable, submitted his Written Statement of Defence Dated:19.03.2015 received through the reference third read above, wherein he has stated that, at the outset, he is denying the above charges as assumptive, contrary to the evidence on record and therefore liable to be dropped; that his duty at the Check Post was to regulate the traffic and direct the Crew of Transport Vehicles to produce the Records for Inspection by the Officer on duty at the Check Post; and while reserving his right to submit Further Explanation after receipt of the Listed Documernts contained in Annexures-III & IV of the Articles of Charges, he has pleaded that:

i)Regarding the Charge (1), that it is noticed that he was clandestinely collecting illegal and unauthorized amounts from the Drivers/Cleaners of the Lorries passing through the Check Post by standing in the Open Corridor near the MVI/AMVI Counter of the Check Post, it is submitted that this charge is misconceived, and there is no evidence to show that he collected any Mamools from the Drivers abd Cleaners of the Vehicles

passing through the Transport Check Post, Penukonda and that he was standing on the Road for stopping of Vehicles passing through the Check Post and not in the Open Corridor near the MVI/AMVI Counter of the Check Post, as alleged; and that he was found in possession of illegal and unauthorized amount of Rs.555/- collected from the Drivers/ Cleaners of the Lorries passing through the Check Post does not stand to any standards of scrutiny, since at the time of Surprise Check, he is having only Rs.500/- in his pant pocket as declared by him in the Personal Cash Declaration Register; and hence, this charge does not merit any consideration.

ii) Regarding the Charge (2), that he failed to give explanation for the habitual collection of illegal amounts from the Drivers/Cleaners of the Lorries passing through the Check Post, i.e., for collection of unauthorized amount of Rs.33,350/- during the Surprise Check in his presence, it is submitted that the ACB Staff stage managed collection of some amounts from the crew of the Vehicles passing through the Check Post at the time of Surprise Check; that the ACB Officials got drafted Proceedings to their dictation at his back; he has further submitted that no members of the crew of the Vehicles were questioned in his presence or in the Check Post; that the Recitals of the Surprise Check Proceedings are contrary to the actualities and filled with recitals suitable to initiate action against the Check Post Staff; that, as such, the question of his failure to give explanation for the collection of the said to be illegal amount from the Drivers/Cleaners of the Lorries passing through the Check Post does not arise at all.

4. In his Further Representation Dated:14.11.2015 received through the reference fifth read above Sri N.R.Raveendranath Reddy, Transport Constable, while narrating the facts of the case in brief, the charges framed against him by the Govt., vide G.O.Rt.No.2, T,R&B(VIG.TR.)Deptt., Dated:01.01.2015, has stated that perusal of Annexure-III revealed that 9 Witnesses were listed to prove the case of the Disciplinary Authority; that, on perusal of the Statements said to be the Individual Statements of the Drivers/ Cleaners said to have been recorded on the day of Surprise Check of the Drivers/Cleaners in the presence of the Mediators, it is noticed that they were not signed by the said Drivers/Cleaners and it shows that the said Statements were prepared by the ACB Officials and produced as evidence; that the allegation of collection of Mamools from the Drivers/Cleaners of the Lorries passing through the Check Post does not stand to any standards of scrutiny and as such does not merit any consideration; he has further submitted that no members of the crew of the Vehicles were questioned in his presence or in the Check Post and no Statements were recorded during the Surprise Check; that on perusal of Annexure-II, Statement of Imputations of Misconduct, it is stated that he exhibited lack of integrity, devotion to duty and conduct unbecoming of a public servant and thereby contravened Rule 3(1), 3(2) and 3(5) of A.P.Civil Service(Conduct)Rules, 1964; that, it is submitted that it is not correct to say that he exhibited lack of integrity, devotion to duty or any unbecoming conduct in violation of the provisions of the A.P.C.S. (Conduct)Rules, 1964, as averred in the Articles of Charges; that he never violated the provisions of A.P.C.S.(Conduct)Rules, since his record of performance itself shows that ever since his appointment, he has been discharging his duties with dedication, devotion to his work with honesty, sincerity and to the appreciation of the Officers; that wherever he worked he maintained unblemished record of service throughout; and has finally prayed that in view of the facts explained above, his above submissions may kindly be considered sympathetically and further action may be dropped against him in the interest of justice.

5. Government have examined carefully the Written Statement of Defences and Further Representation of Sri N.R.Raveendranath Reddy, Transport Constable, and have observed as follows:

1.On examination of the 1st charge, the unexplained personal cash is only Rs.55/-(he had declared Rs.500/- in the Personal Cash Register and was found to be having Rs.555/- in his pant pocket). As the difference excess amount involved is quite insignificant, and also considering the **Government Instructions on Personal Cash vide G.O.Ms.No.200, Genl.Admn.(SER.C) Deptt., Dated:26.03.2007,** this may perhaps be viewed leniently.

2.Further, in so far as the 2nd charge framed against Sri N.R.Raveendranath Reddy, Transport Constable, that he had failed to account for the unauthorized amount of Rs.33,350/- collected at the MVI /AMVI Counter of Check Post is concerned, it does not sound real and credible. The ACB Team had arrived at the Check Post premises on 18.01.2014 at 0.30 hours. One of the ACB Team members sat at the MVI /AMVI Counter at 2.00 hours. **Thus, there was a gap of more than 1 ½ hours in the actual arrival time of ACB Team at the RTA Check Post(at 12.30 A.M.) and their vigil at MVI/ AMVI Counter(which commenced from 02.00 A.M.).** Moreover, it is to be noted that Sri N.R.Raveendranath Reddy, was not physically present at the MVI/AMVI Counter from 2.00 A.M. to 6.30 A.M. on 18.01.2014, and the ACB Inspector was present during this time at the said Counter. **There is no recorded evidence to show**

the direct demand or acceptance of bribe amount of Rs.33,350/- at the MVI/ AMVI Counter of the RTA Check Post by Sri N.R.Raveendranath Reddy, Transport Constable. Therefore, he perhaps cannot be held responsible for the amount collected from 2.00 A.M. to 6.30 A.M. on 18.01.2014 at the MVI/AMVI Counter which was under the watch and ward of the ACB personnel in mufti).

6. Government, after careful examination of the entire issue, have, therefore, decided to consider the Written Statement of Defence and Further Representation of Sri N.R.Raveendranath Reddy, Transport Constable, on meritorious grounds, and to consider his plea for dropping further action against him in this ACB Surprise Check Case.

7. Accordingly, Government hereby drop further action against Sri N.R.Raveendranath Reddy, Transport Constable, in the above ACB Surprise Check Case.

8. The Transport Commissioner, A.P., Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri N.R.Raveendranath Reddy, Transport Constable, O/o Deputy Transport Commissioner, Anantapur **THROUGH** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, A.P., Hyderabad.
Copy to:
1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.
2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
3)The P.S. to Hon'ble Minister(Transport, Roads & Buildings).
4)The P.S. to Spl. Chief Secretary to Govt., Transport, Roads & Buildings Department.
5)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER